

THIRD DIVISION

[G.R. No. 220492, July 11, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. CCC,
ACCUSED-APPELLANT.**

DECISION

MARTIRES, J.:

The instant case is another account of incestuous rape brought before the Court on appeal from the 19 December 2014 Decision^[1] of the Court of Appeals (CA) in CA G.R. CR-HC No. 06025 affirming the Decision^[2] of the Regional Trial Court, Nueva Vizcaya (RTC), convicting accused-appellant CCC (*accused-appellant*) of three (3) counts of Rape.

THE FACTS

Antecedent

In Criminal Case Nos. 3149-50, accused-appellant was accordingly charged in two (2) separate informations which read:

Criminal Case No. 3149

That sometime in January 2011, in the Municipality of [XXX], Province of Nueva Vizcaya, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, willfully, unlawfully and feloniously did then and there, by means of force and intimidation inserted his penis inside the vagina and for several times had carnal knowledge of his own daughter [AAA],^[3] a 17 year old minor, without her consent and against her will, to the damage and prejudice of [AAA].^[4] (emphasis and underlining omitted)

Criminal Case No. 3150

That sometime in September 2011, in the Municipality of [XXX], Province of Nueva Vizcaya, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, willfully, unlawfully and feloniously did then and there, by means of force and intimidation inserted his penis inside the vagina and for several times had carnal knowledge of his own daughter [AAA], a 17 year old minor, without her consent and against her will, to the damage and prejudice of [AAA].^[5] (emphasis and underlining omitted)

On 3 September 2012, accused-appellant was arraigned and, with the assistance of counsel, pleaded not guilty.^[6] Pre-trial and trial on the merits ensued.

The Prosecution's Evidence

The prosecution's evidence accounted three (3) episodes of rape committed by accused-appellant against AAA that all happened in 2011. As a result, AAA conceived. She alleged it was her father's child as she did not have any prior sexual experience with any other man. The child was born on 27 May 2012.

In her testimony, AAA narrated that the first time his father raped her was while she was in the bathroom outside their house. While she was about to take a bath, accused-appellant entered, removed her panty, and made her lie down. He held her feet down, mounted her, and inserted his penis into her vagina. After he was done, accused-appellant left, AAA continued to take a bath.

The second time AAA was raped happened inside her parent's bedroom. Accused-appellant pressed on AAA's thighs and removed her undergarments while she was lying down. Again, accused-appellant went on top of AAA and inserted his penis into her vagina. When he was done, accused-appellant left AAA inside the bedroom. While all this was happening, AAA's mother was out at the garden and her siblings were in school.

The last episode AAA narrated was when accused-appellant told her to fix the water fixture beside the *palali* tree near their house. As she did, accused-appellant followed AAA, grabbed her, and removed her undergarments. While he was doing this, he told AAA he would hurt her if she told anyone. After instructing her to lie down, accused-appellant inserted his penis into her vagina.

AAA never told anybody about what was happening until her sister, asked if she was pregnant. Upon her sister's insistence, AAA confided to her that their father had been raping her.^[7]

When AAA was brought to the proper authorities to file the complaint, she was made to undergo a physical examination. The medico-legal examiner testified that AAA had told her that she was raped; thus, she concluded that the lacerations she noted in her genitalia at 11 o'clock and 6 o'clock positions were caused by sexual abuse.^[8]

The Defense of the Accused-Appellant

On his part, accused-appellant raised the defense of denial and alibi. He said that he would never do such a thing to his own daughter and that the charge was brought against him because he would often scold and spank AAA for being stubborn. Also, it was impossible for him to rape AAA because his paralyzed father-in-law was always at home. Moreover, he said that he rarely encountered AAA at home because of their work schedule on the farm. He also offered the alibi that he rarely went home because he did not live in the same house with his family.^[9]

The Ruling of the Trial Court

After trial on the merits, the RTC found accused-appellant guilty beyond reasonable doubt of three (3) counts of rape. The dispositive portion reads:

WHEREFORE, the court finds the accused guilty beyond reasonable doubt of three counts of rape as defined under Article 266-A and penalized 266-B of the Revised Penal Code, as amended by RA 9353 and RA 9346, and hereby imposes upon him the penalty of *reclusion perpetua* without eligibility of parole in each of the cases. He is also ordered to pay the complainant the amount of P75,000.00 as indemnity, P75,000.00 as

moral damages, and P30,000.00 as [exemplary damages] in each of the three counts.^[10]

In convicting the accused-appellant, the RTC found AAA's account of what happened credible and more believable. The trial court considered her testimony over the accused-appellant's defense of denial and alibi which simply could not prevail against her positive and credible testimony. More than this, the evidence to prove his alibi was not enough to show that it was physically impossible for accused-appellant to have been present at the scene of the crime.

The Assailed CA Decision

On appeal, accused-appellant raised the following arguments: (1) AAA's testimony was improbable as it failed to mention any act of resistance and interest to fight back; (2) her narration of how she was raped was contrary to common human experience because accused-appellant could not hold both AAA's hands and feet simultaneously; (3) accused-appellant's moral ascendancy over AAA was insufficient or not overpowering enough to have a paralyzing effect on AAA; (4) AAA's reaction after every episode of rape puts doubt in her story's credibility; and (5) the real motive in filing rape charges against her father is to hide her indiscretion of having consented sexual intercourse with him.^[11]

The CA found no reason to depart from the trial court's finding that AAA's testimony is credible. It said that an error-free testimony cannot be expected of a rape victim for she may not be able to recount every detail of her harrowing experience. Furthermore, the CA held that AAA's silence and submission to accused-appellant's abuses should not be taken as giving her consent because her father's moral ascendancy over her substitutes for violence and intimidation. The CA did not give much credence to accused-appellant's defense of denial and alibi.

As a result, the CA affirmed the trial court's decision, but imposed legal interest of six percent (6%) per annum on all the damages awarded.

OUR RULING

The appeal lacks merit.

We find no reason to deviate from the findings of the RTC and the CA. Jurisprudence is replete with rulings that an appellant can justifiably be convicted of rape based solely on the credible testimony of the victim. We consider, too, that nothing in the records indicates that the RTC and the CA had overlooked or had failed to appreciate facts that, if considered, would change the outcome of the case.

In rape cases where no other person could accurately account what happened, except for the victim and the accused-appellant, the witnesses' credibility plays a big factor. When it comes to credibility, the trial court's assessment deserves great weight and is even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence.^[12] Matters of credibility are addressed basically to the trial judge who is in a better position than the appellate court to appreciate the weight and evidentiary value of the testimonies of witnesses who have personally appeared before him.^[13] The appellate courts are far detached from the witnesses' deportment and manner of testifying during trial and thus have to rely solely on the records of the case in its review. On the matter of credence and credibility of witnesses, therefore, we acknowledge said limitations